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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,912	09/20/2000	Morihiro Murata	51270-024 5656	5458
7590	08/04/2005			EXAMINER PSITOS, ARISTOTELIS M
Roger R Wise Pillsbury Madison & Sutro LLP 725 South Figueroa Street Suite 1200 Los Angeles, CA 90017-5443			ART UNIT 2653	PAPER NUMBER

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/665,912	MURATA, MORIHIRO	
	Examiner	Art Unit	
	Aristotelis M. Psitos	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4,5,8,12,14-27,29,31-33,38,39 and 44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 4,8,12,14-27,29,31-33,38,38 is/are allowed.
- 6) Claim(s) 1,2,5 and 44 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Applicant's response of 5/2/05 has been considered with the following results.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1 and 32 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sawada et al.

With respect to claims 1 and 32, Sawada et al discloses in an optical recording/reproducing system the ability of erasing the appropriate pma (file control data) and subsequently rewriting such back to the pma as desired – see the discussion with respect to figures 3-5 and starting at col. 5 line 62 to col. 6 line 11.

The examiner interprets the control data as inherently comprising of the claimed frame information (disc type) and track no.

If applicant can convince the examiner that such is not inherently present in the document, then the examiner would rely upon either of the acknowledged prior art or the previously recited Lee patent for teaching such.

It would have been obvious to modify the base system of Sawada et al and modify such with either the acknowledged prior art or Lee, motivation is to use existing disc formats and hence increase the dynamics of the Sawada et al system so as to be backward compatible with existing

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formats.

Response to Arguments

Applicant's arguments filed 5/2/05 have been fully considered but they are not persuasive.

Applicant argues

a) that the primary reference fails to "preserving the frames containing the identification information in the PMA in such a manner that the frames containing the identification information and erased from the PMA are rewritten to the PMA so that the rewritable optical disc can be identified at rewriting thereof even after all of the contents are logically erased from the program area of the rewritable optical disc" is not the same as the disclosed capability in Sawada.

The examiner is not convinced since the above limitation is present in the disclosed inadvertent erase condition/state. The claims do not distinguish thereover.

b)-1 The control information in Sawada does not inherently include disc identification.

The examiner is not convinced since as disclosed in col. 1 lines 1-42, a plethora of different types of dis(c/k)s are known to exist. Hence the pma would identify the dis(c/k) type – as further disclosed at col. 2 lines 46-62, note CD-R, CD-RW.

b) – 2 Alternatively applicant argues against the 103 position presented by the examiner, however such is not convincing because

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Ikeda et al or Lee et al.

With respect to the limitation of claim 2, see Ikeda et al with respect to the reading of the serial number of the disc, hence the disc id, or alternatively as designated in Lee et al figure 4.

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It would have been obvious to modify the base system as stated above in paragraph 1, motivation is to place the id frames at the appropriate place in the leading section of the pma area because id information requires less frames than the address information for all the tracks on the disc.

Response to Arguments

Applicant's arguments filed 5/2/05 have been fully considered but they are not persuasive, see the above rebuttal, with respect to the parent claim. This dependent claim falls accordingly.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 32 above, and further in view of Takeuchi.

Claim 5 recites the ability of having the rewrite at an appropriate condition. The examiner interprets this as being when an interrupt/power lost, etc. occurs in a composite disc system having volume identification temporarily lost due to system failure(s), and as further taught by Takeuchi, starting at col. 8 line 1 to col. 9 line 32 is appropriately rewritten.

Response to Arguments

Applicant's arguments filed 5/2/05 have been fully considered but they are not persuasive, see the above rebuttal, with respect to the parent claim. This dependent claim falls accordingly.

4. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Misaizu et al.

Misaizu et al teaches in this environment the ability of having 10 frames/blocks – see col. 5 lines 50 plus.

It would have been obvious to modify the base system of paragraph 1 above with the additional teaching from Misaizu et al, so as to decrease the processing time, i.e., processing in units of 10 frames.

Response to Arguments

Applicant's arguments filed 5/2/05 have been fully considered but they are not persuasive, see the above rebuttal, with respect to the parent claim. This dependent claim falls accordingly

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Allowable Subject Matter

As noted in the previous OA, claims 4, 8, 12, 18-27,29 and 31 are allowable. Furthermore, claims 33, and 38 and 39 are allowable as well. Nevertheless, as also noted, since claims 4, 8 and 12 are substantially duplicative of each other claims 8 and 12 are objected to under MPEP § 706.03 (k). Appropriate cancellation is required.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aristotelis M Psitos
Primary Examiner
Art Unit 2653

AMP

